

Appl. No : 10/727,580
Applicants : SAUVAGEAU, Guy et al.
Filed : December 5, 2003
Title : STEM CELL EXPANSION ENHANCING FACTOR AND METHOD
OF USE
TC./A.U. : 1636
Examiner : DUNSTON, Jennifer Ann
Agent's Docket No.: FC 14632-7
Customer No. : 1059

Mail Stop Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
United States

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In complete response to the Requirement for Restriction mailed May 30, 2006, Applicants provisionally elect, albeit with traverse, to prosecute the claims of Group II, namely claims 7 to 13 and 18 to 23.

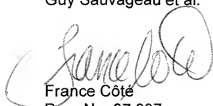
Reconsideration of the Restriction Requirement is respectfully requested. The claims of Groups I to IV are related as product and process of using. Under M.P.E.P. §806.05(h), a product and a process of using are only distinct inventions if it can be shown that "(1) the process for using as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process."

As the claims presently stand, claims 1 to 6 are directed to a stem cell expansion factor. Claims 7 to 13 are directed to methods for enhancing expansion of a stem cell population for claim 1. Claims 14 to 17 are directed to methods for enhancing expansion of a stem cell population based on the factor of the present invention. Likewise, claims 18 to 23 are directed to methods for restoring a patient hematopoietic capability using the factor of claim 1. Composition claims 24 and 25 are dependent on claim 1. Thus, the process as presently claimed cannot be practiced with another materially different product. Therefore, the requirements of M.P.E.P. §806.05(h) are not met. Withdrawal of the Restriction Requirement and examination on the merits are therefore respectfully requested.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

Guy Sauvageau et al.

A handwritten signature in dark ink, appearing to read "France Côté", is written over the printed name. The signature is fluid and cursive, with a large loop at the end.

France Côté

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